

Chapter 1 Introduction

1.1 Purpose Of The Environmental Impact Report/Environmental Assessment

The California Department of Transportation (Caltrans) and federal Bureau of Indian Affairs (BIA) have prepared this Draft Environmental Impact Report (EIR)/Environmental Assessment (EA) to provide the public and interested public agencies with information about the potential environmental effects of the proposed Shingle Springs Interchange Project (Proposed Project). The Proposed Project consists of the construction, operation and maintenance of an interchange in El Dorado County, California to serve the existing Shingle Springs Rancheria (**Figures 1-1 and 1-2**). The new interchange will provide open access to the Rancheria so that the property can be developed with uses consistent with the Tribe's Land Use Plan. The immediate plan for development on the Rancheria is a hotel and casino project that will be located in the southwestern portion of the Rancheria.

The respective roles, responsibilities, and interests of the BIA and Caltrans are very different. The BIA, is charged with assisting Native Americans to manage their own affairs and promoting self-determination and advancement under the trust relationship to United States. The BIA institutionalizes the United States of America's Trust relationship, personified by the Secretary of the Interior, with Native Americans. The BIA's trust duties (contained in Title 25 of the Code of Federal Regulations) are served by assisting the Rancheria to obtain access to its reservation, which has been landlocked, denying its people of economic potential. Caltrans, created in 1972 by AB 69, which consolidated two former departments, is responsible for planning, designing, operating, and maintaining California's state highway system. Its mission is to improve mobility across California. Despite these fundamental differences, both the National Environmental Policy Act (NEPA) and the California Environmental Quality Act (CEQA) require Federal and State agencies to work together to eliminate duplication between NEPA and CEQA (Sec. 40 CFR § 1506.2, Elimination of Duplication with State and Local Procedures; CEQA Guidelines §§ 15170, 15222). This cooperation includes the requirements to prepare joint environmental assessments and impact statements as well as planning processes and hearings (40 CFR §§ 1506.2 (b) and (c); CEQA Guidelines §§ 15170, 15222, 15226). Where States have requirements that go beyond NEPA, Federal agencies are required to cooperate in fulfilling those requirements "so that one document will comply with all applicable laws" (40 CFR § 1506.2 (c); see CEQA Guidelines §15222). This cooperation to prepare a joint Federal-State document will insure

that all the environmental requirements of both jurisdictions are fulfilled (once rather than twice) and will facilitate judicial review of the single document.

This EIR/EA was prepared in compliance with the California Environmental Quality Act (CEQA), the CEQA *Guidelines* (California Code of Regulations [CFR], Title 14), and the National Environmental Policy Act (NEPA) and the CEQ NEPA Regulations, 40 CFR Parts 1501-1508. Consistent with CEQA and NEPA, this EIR/EA is a public information document that assesses potential environmental impacts of the Proposed Project, as well as identifies mitigation measures and alternatives to the Proposed Project that could reduce or avoid adverse environmental impacts. CEQA requires that state and local government agencies consider the environmental consequences of projects over which they have discretionary authority. The EIR/EA is an informational document used in the planning and decision-making process. It is not the intent of an EIR/EA to recommend either approval or denial of a project.

NEPA and CEQA have different thresholds of “significance.” It is often the case that using Federal criteria, impacts are either found not to be significant, or if found to be potentially significant, the impacts are then mitigated to less than significant. In this case the BIA has determined that the impacts of the Interchange warrant preparation of this Environmental Assessment, after which the agency must decide whether to prepare a Finding of No Significant Impact (FONSI, which could include a “mitigated FONSI”) or an Environmental Impact Statement (EIS). Based on the different thresholds of significance of CEQA, Caltrans has determined to prepare an EIR. A CEQA impact checklist and a discussion of the Proposed Project’s impacts are provided in **Appendix A**. The checklist provides an inventory of potential environmental impacts, and the significance of the Proposed Project’s impacts on each category. CEQA requires that a Lead Agency neither approve nor carry out a project as proposed unless the significant environmental effects have been reduced to an acceptable level, or unless specific findings are made attesting to the infeasibility of altering the project to reduce or avoid environmental impacts (CEQA *Guidelines*, Sections 15091 and 15092). An acceptable level is defined as eliminating, avoiding, or substantially lessening the significant effects. CEQA also requires that decision-makers balance the benefits of a Proposed Project against its unavoidable environmental risks. If environmental impacts are identified as significant and unavoidable, the project may still be approved if it is demonstrated that social, economic, or other benefits outweigh the unavoidable impacts. The Lead Agency would

See Figure 1-1

See Figure 1-2

then be required to state in writing the specific reasons for approving the project based on information presented in the EIR/EA, as well as other information in the record. This process is defined as a “Statement of Overriding Considerations” by the CEQA *Guidelines*, Section 15093.

1.2 Type Of Environmental Impact Report/Environmental Assessment

The CEQA *Guidelines* identify several types of EIRs, each applicable to different project circumstances. This EIR is prepared as a Project EIR pursuant to CEQA *Guidelines* Section 15161. This type of EIR focuses primarily on the changes in the environment that would occur as a result of project implementation, and examines all phases of a particular project (i.e., planning, construction, operation). Ultimately, the EIR is used by the Lead Agency as a tool in evaluating a Proposed Project’s environmental impacts and can be further used to modify, approve, or deny approval of a Proposed Project based on the analyses provided in the EIR.

The BIA is acting as a joint-lead agency with Caltrans on the Proposed Project. The BIA will enter into a cooperative agreement with Caltrans for the construction and operation of the interchange, take the 5.6 acre parcel into the name of the United States, and designate the interchange (federal portion) as part of the Indian Reservation Road system (IRR). The IRR Program is a jointly administered program by the Federal Highway Administration and by the BIA; through an Interagency Memorandum of Agreement as established by Title 23 U.S.C. Section 204. The environmental review for these BIA actions is covered within this EIR/EA.

1.3 EIR/EA Assumptions

This Draft EIR/EA is based on the following general assumptions:

- The project will be developed based on the general specifications outlined in Chapter 4.0, *Alternatives Considered*.
- The traffic, noise, and air quality analyses were prepared taking into account the operation and effects of the proposed Shingle Springs hotel and casino.
- The new interchange will be developed entirely within the Caltrans Highway 50 right-of-way (ROW) and a 5-acre parcel leading up to the existing Rancheria.

- Construction, operation and maintenance of the interchange will not require El Dorado County permits and/or approvals given that no County jurisdiction exists within the boundaries of the proposed interchange.
- The EIR/EA is tiered from the Final Environmental Assessment: Shingle Springs Rancheria Hotel and Casino Project, El Dorado County, California (NIGC, 2001), and from the Notice of Finding of No Significant Impact: Proposed Shingle Springs Hotel and Casino Project (January 2002), whose coverage includes the growth inducing/indirect effects associated with the construction and operation of the Shingle Springs hotel and casino, which documents are incorporated by reference.

1.4 EIR/EA Process

1.4.1 Lead Agencies

Caltrans is the Lead Agency for preparation of the CEQA component of the Shingle Springs Interchange Project EIR/EA. Sections 15050 and 15367 of the State CEQA *Guidelines* define the “Lead Agency” as the “public agency which has the principal responsibility for carrying out or approving a project.” The key contact person for Caltrans is:

Mr. Steve Hetland, Project Manager
State of California, Department of Transportation
2800 Gateway Oaks Drive, Suite 100
Sacramento, CA 95833

The BIA is the Lead Agency for the NEPA component of the Shingle Springs Interchange Project EIR/EA. The key contact person for the BIA is:

Mr. William Allan, Pacific Region Environmental Specialist
U.S. Department of Interior, Bureau of Indian Affairs
Pacific Region Office, 2800 Cottage Way, Room W-2820
Sacramento, CA 95825-1846

1.4.2 Notice Of Preparation

In accordance with Section 15082 of the CEQA *Guidelines*, Caltrans circulated a Notice of Preparation (NOP) for this EIR on July 5, 2001, for a 30-day review period which expired August 6, 2001. The NOP is presented in **Appendix B**. These notices were circulated to the

public, local, state, and federal agencies, and other interested parties to inform responsible agencies and the public that the Proposed Project could have significant effects on the environment and to solicit their comments.

Comments received to-date covered issues addressing the project description, direct impacts associated with the operation of the proposed interchange, indirect impacts associated with the hotel and casino development on the Shingle Springs Rancheria, cumulative effects, growth inducing effects and alternatives to the proposed interchange. The concerns raised in response to the NOP were considered during preparation of the Draft EIR and are presented in **Appendix B**.

The BIA prepared a notice of Joint-Lead Agency Role by the Bureau of Indian Affairs for the Shingle Springs Rancheria Interchange Project (**Appendix B**). This notice was distributed on December 17, 2001 to public, local, state, and federal agencies, and other interested parties.

1.4.3 Draft EIR/EA

This document constitutes the Draft EIR/EA. The Draft EIR/EA contains a description of the project's purpose and need, project alternatives, description of the environmental setting, identification of project impacts, and mitigation measures for impacts found to be significant.

1.4.4 Public Review

This document is being circulated to local, state, and federal agencies and to interested organizations and individuals who may wish to review and comment on the report. The mailing list in **Appendix C** provides individuals to whom a notice of availability has been sent. Please note that this document contains information incorporated by reference. The public can review this information at the following addresses during normal business hours (8am to 5pm):

State of California, Department of Transportation
2800 Gateway Oaks Drive, Suite 100
Sacramento, CA 95833

and

U.S. Department of Interior, Bureau of Indian Affairs
Pacific Region Office, 2800 Cottage Way, Room W-2820
Sacramento, CA 95825-1846

Publication of this Draft EIR/EA marks the beginning of a 45-day public review period. Caltrans provides that no person be excluded from participation or otherwise be subjected to discrimination under any program of activity administered by the Department (**Appendix D**). During this review period, written comments will also be received by Caltrans or the BIA at the following addresses:

Mr. Steve Hetland, Project Manager
State of California, Department of Transportation
2800 Gateway Oaks
Sacramento, CA 95833

or

Mr. William Allan, Pacific Region Environmental Specialist
U.S. Department of Interior, Bureau of Indian Affairs
Pacific Region Office, 2800 Cottage Way, Room W-2820
Sacramento, CA 95825-1846

1.4.5 Final EIR/EA And EIR/EA Certification

Written comments received in response to the Draft EIR/EA will be addressed in a Response to Comments addendum document which, together with the revised Draft EIR/EA text, will constitute the Final EIR/EA. Caltrans will then review the project, the EIR/EA, and public testimony and decide whether to certify the EIR/EA and whether to approve the project or deny the project. Final approval of an interchange at the project location will be made by Caltrans in conjunction with approval of this environmental document. The California Transportation Commission (CTC) will approve the break in access control. If Caltrans approves the project, even though significant impacts identified by the EIR cannot be mitigated, Caltrans must state in writing the reasons for its actions. A Statement of Overriding Considerations must be included in the record of the project approval and mentioned in the Notice of Determination.

As stated above, after preparation of the Final EIR/EA, BIA will make its determination whether to prepare a FONSI or an EIS. The federal action considered by the BIA includes the inclusion of the project within the Indian Reservation Roads (IRR) system, taking the 5.6 acre parcel into the name of the United States of America, and entering into a Cooperative

Agreement with Caltrans for the construction and maintenance of the interchange/access road.

1.4.6 Mitigation Monitoring And Reporting Program

CEQA Section 21081.6, requires lead agencies to "adopt a reporting and mitigation monitoring program for the changes to the project which it has adopted or made a condition of project approval in order to mitigate or avoid significant effects on the environment." The specific "reporting or monitoring" program required by CEQA is not required to be included in the EIR. Throughout this EIR/EA, however, mitigation measures have been clearly identified and presented in language that will facilitate establishment of a monitoring and reporting program. Any mitigation measures adopted by Caltrans as conditions for approval of the project will be included in a Mitigation Monitoring and Reporting Program to verify compliance.

1.5 EIR/EA Organization

This Draft EIR/EA is organized into twelve chapters as described below.

Chapter 1.0, Introduction. This chapter describes the purpose and organization of the EIR/EA and the EIR/EA preparation, review, and certification process.

Chapter 2.0, Executive Summary. A summary of the project description, a description of issues to be resolved and areas of controversy, the significant environmental impacts that would result from project implementation, and mitigation measures proposed to reduce or eliminate those impacts are provided in this chapter, pursuant to CEQA *Guidelines* Section 15123.

Chapter 3.0, Project Description. Chapter 3.0 describes project background, outlines project objectives, and summarizes components of the Proposed Project, pursuant to CEQA *Guidelines* Section 15124. It also includes a description of the purpose and need for the proposal pursuant to NEPA at 40 CFR § 1508.9 (b).

Chapter 4.0, Alternatives to the Proposed Project. Chapter 4.0 provides descriptions for each of the alternatives to the Proposed Project, pursuant to CEQA *Guidelines* Section 15126(f) and 40 CFR § 1508.9(b). These alternatives are analyzed together with the Proposed Project in Chapter 5.0, Environmental Setting, Impacts, and Mitigation Measures.

Chapter 5.0, Environmental Setting, Impacts, and Mitigation Measures. Each environmental issue area describes the existing environmental setting, discusses the environmental impacts associated with project construction and operation, and identifies mitigation measures for the impacts of the Proposed Project, as well as all the alternatives to the Proposed Project, pursuant to CEQA *Guidelines* Sections 15125 and 15126 and 40 CFR § 1508.9 (b). .

Chapter 6.0, Growth Inducing Impacts. Chapter 6.0 discusses the potential for the Proposed Project to induce urban growth and development, pursuant to CEQA *Guidelines* Section 15126(d).

Chapter 7.0, Cumulative Impacts. Chapter 7.0 discusses the potential for the Proposed Project and project alternatives to result in cumulative impacts, pursuant to CEQA *Guidelines* Section 15130.

Chapter 8.0, Significant Unavoidable Adverse Impacts. Chapter 8.0 summarizes significant unavoidable adverse impacts of the Proposed Project and project alternatives, pursuant to CEQA *Guidelines* 15126(b).

Chapter 9.0, Indirect Effects. Chapter 9 discusses the potential indirect effects that may result from the Proposed Project, pursuant to CEQA *Guidelines* 15126.4 (D), 15358 (2) and 15064(2).

Chapter 10.0, Report Preparation. Chapter 10.0 provides the names of City project staff and the EIR authors and consultants, pursuant to CEQA *Guidelines* 15129 and a listing of agencies and persons consulted pursuant to 40 CFR § 1508.9 (b).

Chapter 11.0, Acronyms. Chapter 11.0 provides a list of technical terms used, including definitions.

Chapter 12.0, References. Chapter 12.0 provides a list of reference materials and persons/agencies consulted during the preparation of the EIR.

Appendices. The appendices are located at the back of the EIR and are referenced in the Table of Contents.

1.6 Incorporation By Reference

In accordance with §15150 of the State CEQA Guidelines, and 40 CFR 1502.21 of the NEPA regulations, this EIR/EA incorporates the following by reference: Final Environmental

Assessment: Shingle Springs Rancheria Hotel and Casino Project; El Dorado County, California (December, 2001) and Notice of Finding of No Significant Impact: Proposed Shingle Springs Hotel and Casino Project (January 2002). These documents can be reviewed at the locations identified in Section 1.4.4.

CEQA Guidelines Section 15150(a) states that “(a)n EIR...may incorporate by reference all or portions of another document which is a matter of public record or is generally available to the public. Where all or part of another document is incorporated by reference, the incorporated language shall be considered to be set forth in full as part of the text of the EIR...” CEQA goes on to state that incorporated text shall be briefly summarized, and the entire document be made available for public review (CEQA Guidelines Sections 15150(b) and c).

Pursuant to NEPA, “(a)gencies shall incorporate material into an environmental impact statement by reference when the effect will be to cut down on bulk without impeding agency and public review of the action. The incorporated material shall be cited in the statement and its content briefly described” (40 CFR 1502.21).

This document is referenced and elements are discussed and summarized within Chapter 9 of this EIR/EA.